

REMARKS

This Amendment is being submitted in reply to the Office Action mailed September 11, 2006, erroneously setting a one month period for response. According to conversations with the examiner, the period for response has correctly been reset to a three-month shortened statutory period for response expiring on December 11, 2006. Claims 1-13, 38-46 and 51 are currently pending. Claims 1, 38, 46 and 51 have been amended and new claim 52 added as set forth above.

Rejection under 35 USC § 112

Claim 51 stands rejected under 35 USC § 112 second paragraph. Claim 51 has been amended to obviate this rejection. Accordingly, this rejection should now be withdrawn.

Rejection under 35 USC § 102(b)

Claims 1-6, 8-13, 38, 39, 41, 42, 44, 46, and 51 stand rejected under 35 USC § 102(b) as anticipated by James ('681). Independent claims 1, 38, 46 and 51 have been amended as set forth above so as to obviate this rejection. In James, all tokens are embedded in the video broadcast, e.g. in a blanking signal, and are utilized only within the set top box. Further, James does not disclose or suggest radiating a signal from the receiving apparatus that includes the token as is set forth in Applicants' independent claims 1, 38, and 46. Finally, there is no teaching or suggestion in James of providing promotional material based on token and user information to the consumer in conjunction with additional programming as claimed in independent claim 51. For all of these reasons, this rejection should now be withdrawn.

Rejection under 35 USC § 103(a)

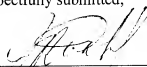
Claims 7, 40, 43 and 45 stand rejected under 35 USC § 103(a) as obvious over James '681. Claims 1 and 38 have been amended to specifically recite that the tokens are embedded in broadcast signals to a broadcast receiving appliance. The tokens are then radiated from the appliance. James simply does not do this. Claims 7, 40, 43 and 45 depend from one of claims 1 and 38. As pointed out above, James '681 does not disclose or suggest embedding tokens in an

audio broadcast signal and clearly does not disclose or suggest radiating the tokens from the receiving appliance as is now claimed. Accordingly, this rejection should be withdrawn.

New dependent claims 52-57 have been added for consideration. Accordingly, claims 1-57 are now pending in the application. This response is believed to be fully responsive to all points in the office action.

During preparation of this amendment, the undersigned attorney became aware of additional art not previously cited to the examiner. Accordingly an appropriate Information Disclosure Statement accompanies this amendment. Applicants' pending amended claims are also believed to be allowable over this additional prior art. Accordingly, prompt examination of the application is earnestly solicited. Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 54317-010500 when charging any payments or credits in connection with this application.

Respectfully submitted,



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